



Meeting Minutes

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
WATER RESOURCES ADVISORY COMMISSION
LAKE OKEECHOBEE COMMITTEE**

**Thursday, August 3, 2006, 9:00 a.m. – 3:30 p.m.
Building B-1 Auditorium, SFWMD, 3301 Gun Club Road
West Palm Beach, FL**

ATTENDING

WRAC, LAKE OKEECHOBEE MEMBERS and Alternates

Judy Sanchez	Joan Davis	Libbey Webb
Paul Millar	Richard Earp	Paul Gray
Ray Scott	Roland Ottoloni	David Lithgow
Stephanie Desir-Jean	Brij Garg	Ken Todd
Harry Cronin	Don Fox	Jeff Ward
Mike DiTerlizzi	Robert Pace	

1. Welcome and Introductions – Malcolm “Bubba” Wade, Chair
Welcomed everyone. This meeting was scheduled to address the new Corps Lake Okeechobee regulation schedule, so that we can give proper input to the WRAC in September.
Because there isn’t a full WRAC until September we will be providing comments as a stakeholder group.
2. Environmental Resource Permit proposed rule – Damon Meiers, Deputy Director, Regulation Department, SFWMD
Damon Meiers reported on a rule change for the Environmental Resource Permit, which includes the development of proposed Urban Development BMPs.
Questions and Answers
Q: How are we handling the implementation of the SW Florida rule expansion with the new boundaries? The BMP menu, how is it working with the Lake Okeechobee BMPs?
What are the new criteria for existing development and what will they have to do to retrofit?
What is the 80% BMP? What criteria will be used for retrofit? Need incentives for retrofitting such as Alternate Water Supply Grants.
A: The SW Florida Basin rule: We expect to complete the SW Florida Basin Rule this year, overlapping into 2007 for the Caloosahatchee eventually will be revisiting this rule. This basin rule will address new development to reduce loads. BMPs use proper planting, containment of roof run-off for reuse instead of discharging and that is where the research is been done on retrofitting. The reuse should be what we concentrate on and more retention. The 80% is a target to meet state water quality standards. For a retrofit, this BMP will not be used but redevelopment will have to use the new BMP criteria. We haven’t presented this rule to the Board but it is in consideration. The best way to do this will be to add a financial section when is presented to the Board for approval. We also need to work with the legislative process. If a new development is not meeting the BMP rules, they should not be permitted. A draft rule will be coming out in August.
3. Presentation of “Tentatively Selected Plan” for Revisions to the Lake Okeechobee

Regulation Schedule: Peter Milam, Project Manager, U.S. Army Corps of Engineers, Jacksonville District Corps of Engineers
Pete Milam reported on the revisions for the Tentative Selected Plan (TSP) for Lake Okeechobee. A formal 45 day public review of the supplemental EIS started August 8. Meetings will be scheduled in Okeechobee, Clewiston, Stuart and Ft Myers, week of Sept 18 thru 22.

Questions and Answers:

Q: How are you moving forward with this? Is the Board commenting on this? 12' for 12 weeks is it yearly? FWC does not agree with the 12' for 12 weeks yearly if it will damage the snail kite environment. Are you going to use pulses regularly? Why is the St Lucie estuary getting so little water and Caloosahatchee so much more? How are you adjusting this?

A: This is a federal action; if there are strong objections, we will consider them. The SFWMD Governing Board will hear a presentation in Sept. but this is a federal action and the Governing Board does not have the authority to approve or disapprove of these actions. The 12' for 12 weeks is for restoration only. It is done every 4 years to help with the submerged vegetation. Yes, pulses will continue. This is only a TSP, we can still do more revisions to optimize the performance of the TSP. Commercial Navigation regulation is 12.5'. The next three-year regulation schedule will include the Acceler8 and CERP projects coming online. There will be ample opportunity to discuss.

4. SFWMD Staff Analyses:

A. Performance Evaluation Results using Project Design Team Measures:

1. Water Supply - Carl Woehlcke, Lead Economist

Questions and Answers

Q: There are other resources like Acceler8. Are there going to be lumped together?

A: This interim regulation schedule assumes that they are not built yet, the new 2010 regulation schedule will include them.

2. Everglades - Martha Nungesser, Sr. Env. Scientist

Questions and Answers

None

3. Estuaries – Peter Doering, Dir., Coastal Systems Div

Questions and Answers

None

4. Lake Environmental Impacts – Bruce Sharfstein, Ld. Env. Scientist

Questions and Answers

None

B. Performance Evaluation of Additional Water Supply Measures – Scott Burns, Water Supply Policy Dir., SFWMD

Scott Burns reported on the Water Shortage Cutbacks and Performance Measures and previous meetings of the WRAC Issues Workshops on these matters. The Corps ran different models of the TSP and the results are shown on the presentation.

Questions and Answers

Q: Will we be able to incorporate these rules into the TSP?

A: We will be within the 45 days window to present our comments, and the Corps will incorporate them into the TSP.

C. Hydraulic Analysis of Low Stage Conveyance Feasibility and Forward Pump Capacities and Effectiveness, Luis Cadavid, Chief Hydrologic Modeler, and Susan Sylvester, Dep. Dir., Operations Control Dept., SFWMD
Luis Cadavid reported on the South Florida Water Management Modeling (SSMM) on the Hydraulic Analysis and Forward Pumps Capacities.

Questions and Answers

Q: Can we get thru with temporary forward pumps?

A: Based on what we have seen so far the temporary forward pumps were not a constraint, the constraint is how long the drought will last.

Lunch: 12:30 p.m. – 1:30 p.m.

5. WRAC Lake Okeechobee Committee, Corps of Engineers and SFWMD Staff Discussion of Tentatively Selected Plan – Group

Craig Tepper – Will the WRAC make recommendations to the SFWMD Governing Board? How does it relate to the issues paper we are working on?

Bubba Wade – WRAC deferred to the Lake Okeechobee committee, so that the board can hear from us if there are issues with the regulation schedule. The comments here will be reported to the Board.

Craig Tepper – The Seminole Tribe has concerns about water shortages and that still needs to be resolved with the comments the Corps receives. In about 3 years what will be the impact? I don't think anyone can say.

Scott Burns – With the TSP lower supply management assumption, we will establish cutbacks that will bring about the same results. When we have all the reservoirs in place this will help with the demands and the water that isn't used will still be in the Lake.

RE: Future demands and consumptive use, we will build the Supply Side Management Plan to meet the Corps TSP. In 1 or 2 years some of the Acceler8 projects will be on line. If we have a drought of the 1981 magnitude, we hope reservoirs will meet some of the demands. The extra water that wasn't taken out of the lake will be there for consumptive use.

Bob Pace – If the SFWMD comes up with something other than the existing supply management line why would the USACE not wait for the District before making a TSP.

Scott Burns – We can build the supply management criteria rule to match the performance of the Corps TSP. We can adjust the variables to produce the same response in all the parameters.

Pete Milam – In my discussions, this is our TSP and the public workshop is to get feedback and comments to make revisions and comment to make it better. If there are significant changes, we will take them into consideration but we can't change the present TSP.

Don Fox – It is not just water supply, we have to consider the ecology of the lake.

Jeff Ward – We are concerned with the EIS. We are concerned with what is going to happen to water supply. You are going to have to modify the MFL rule for Lake Okeechobee and the SFWMD Supply Management Plan, and that all depends on the forward pumps. We want to see permanent forward pumps. We want to know if the forward pumps can be permitted and if they are going to be able to operate. We have concerns that the USFWS will not allow operation of the forward pumps because of the snail kite issue. The consequences are going to be dramatic with the new Lake Okeechobee schedule. We need to have assurances with this EIS

that we are not going to be prevented from using forward pumps, it would only take the USFWS to say that this jeopardizes the snail kite and therefore you can't operate the forward pumps. The SFWMD already faces an action in federal court with the current lake schedule. We need assurances from USFWS that they are not going to have a jeopardy determination preventing the use of forward pumps when lake levels get to low.

Pete Milam – Forward pumps is not a federal action but an SFWMD local sponsor item. The District has applied for a permit with the Corps for temporary forward pumps.

Bob Pace - We have 135 days to respond about the snail kite issue and we are not prepared to say at this time that it is a jeopardy situation. It is not just the forward pumps but the combination with the change in the regulation schedule, it is a complex issue. From 2001 it has taken 4 years for half the population of snail kites to come back and we have concerns about lowering the lake less than 11' every six years. In the Caloosahatchee, we are concerned about the successive weeks of constant high flow that is destroying sea grass beds in San Carlos Bay.

Chip Merriam – Are you taking into effect some of the mitigating factors? Are you taking a global view?

Bob Pace – We are concerned with the next three years and a record low or drought. Until the hurricanes, we were happy with the results.

Bubba Wade – Are you going to have final comments during the 45 days?

Bob Pace - We have to deliver two reports: a draft FWC coordination act report during the period before the EIS draft. A consultation report under the Endangered Species Act won't be delivered until the final EIS.

Pete Milam – We will have the final EIS before the 135 days but we are working with FWC to incorporate the comments.

Bob Pace – They can't go into a final until we complete the consultation.

David Lithgow – How was the TSP decision reached?

John Zediak - When the EIS comes out, the operational guidance will be in there and it will be similar to WSE. That is the model for Alternative 1bs2m. It will be used in the decision making process.

Pete Milam – The working draft is on the Corps website and can be downloaded.

Roland Ottolini – Lee County is not happy with the releases. We would like documentation that shows where the 17.25' constraint comes from and if there is a range.

Pete Milam – The 17.25' was based on the rehabilitation report of the dike. We have serious concerns at 18.5', and we have minor concerns at 17'. We can manage the lake at 17.25' without having dike concerns and without impacting water storage. We will be able to provide hurricane protection to the communities around the lake so that we don't have to evacuate with a Wilma type hurricane.

Bob Pace – 17.5' is still a foot below "serious concern". What is the difference between 17.5' and 17.25'?

Pete Milam – We are looking to reduce the frequency of the lake to be above 17.50' and then evaluate the dike high lake condition equally with all the other performance measures. We are treating it as constraint and that eliminates the alternatives.

Roland Ottolini -How rigid is the 17.25'?

Pete Milam – It is pretty set. We are going to start the discussion and I ask you all to be part of this discussion so that we can improve the TSP.

Andrew Geller– You need to look at the operational guideline on our web page, it gives you a lot more information.

Chip Merriam – I understand that they are asking for equal treatment for Caloosahatchee and St Lucie.

Peter Doering - The historical reason might be that the St Lucie is smaller and gets releases from other canals and tributaries. The input that we get could result in more modeling to make the TSP better.

Chip Merriam – Make sure you get your comments to Pete Milam; comments need to be in writing. This meeting is for your comments.

Bubba Wade – I still would like an answer why the difference between the estuaries. Is we go to 18' all of a sudden, are we just releasing more to Caloosahatchee than St Lucie with what explanation?

Pete Milam – We have introduced a base flow to the Caloosahatchee and we are trying to help by introducing some base flow to the St Lucie.

Bob Pace – If you are to continue the constant flows to the estuaries then the main goal is reduce the amount of months.

Pete Milam - Our goal is to concentrate on the revisions. We need your help with the dialogue.
Jeff Ward - Why is 17.25' carved in stone? We need an explanation in the EIS of why, and the adverse impact to ecology and water supply.

Andrew Geller – Over 18' there is a 10 to 24% probability of failure of the dike. The engineering analysis says 17.25' is the safest elevation for the lake.

Bubba Wade – The Bromwell-Vick report recommended keeping the level at 17'. The magnitude of a failure of the dike could be of Katrina proportions.

Pete Milam – When you try to find an overall balance of the water resources, this was an acceptable level.

Bubba Wade – What is the Corps going to do when you receive opposition from all different groups?

Pete Milam - At the end, we have to provide the most valid plan. We are not going to jeopardize public safety; the rest of the comments will help the best overall balance. We can't look at them individually.

Bubba Wade – I have to characterize this meeting to the Governing Board next week. Individual stakeholders don't like the impact of the "TSP".

Pete Milam - During the formal 45 days comment, the comments received will become part of the record.

Bubba Wade – The District will also comment on every issue.

Brij Garg – The water supply performance is affected by supply side management issues and there will have to be some adjustments made to the TSP.

Pete Milam – Our next phase is to see what we can do to adjust the TSP to better meet the performances measures.

Bubba Wade – If we get all the money to fix the dike and get it corrected what will be the level for the Lake.

Pete Milam – When the repairs are done elevation could be as high as 21'.

Adjourn: 3:30 p.m.